

LEGAL SERVICES ASSOCIATION OF MICHIGAN

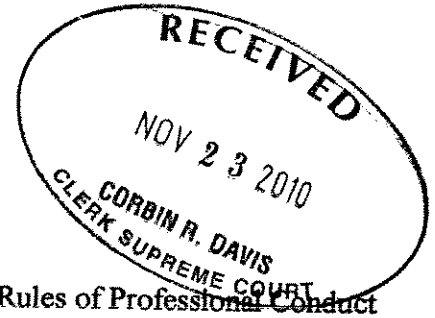
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November 22, 2010

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909



Re: ADM File No. 2010-18
Proposed Amendment of Rule 6.1 of the Michigan Rules of Professional Conduct

Dear Mr. Davis,

We are writing to comment on behalf of the Legal Services Association of Michigan (LSAM) on the proposed amendments to MRPC 6.1, the pro bono ethics rule. The LSAM membership unanimously supports Alternative B (the State Bar proposal) of the versions of the rule published by the Court.

LSAM is a Michigan nonprofit organization incorporated in 1982. Its members are the thirteen largest civil legal services organization in Michigan. Collectively, LSAM's member programs serve every county in the state and provide legal services to low-income individuals and families in over 50,000 cases per year. Every LSAM member sponsors a pro bono program. Some of these programs are administered directly by the LSAM member program—others are cosponsored with local and specialty Bar associations.

LSAM's support of pro bono is consistent with the policies of the nation's largest funder of civil legal services to the poor—the Legal Services Corporation (LSC). LSC regulations (see 45 CFR 1614) require every LSC grantee to support pro bono efforts in that grantee's regional service area.

LSC's policies are based on the recognition that state and federal resources are inadequate to meet the civil legal needs of the poor. Studies estimate that between 50% and 80% of low income persons facing a civil legal matter have no access to counsel—even when facing critical legal events such as the loss of custody of their children. See Documenting the Justice Gap in America, September 2009, http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf. A primary strategy for filling the "justice gap" is the volunteer work of private lawyers on behalf of low income clients. See, e.g., LSC Program Letter 07-02, Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement, <http://www.lsc.gov/pdfs/ProgramLetter07-2.pdf>.

In supporting the State Bar proposal, we especially appreciate the additional guidance

provided by the State Bar proposal and its primary focus on service to the poor.

The recent State Bar pro bono survey noted that many lawyers are unfamiliar with the current guidance about pro bono. (See *And Justice For All, A Report on Pro Bono in Michigan in 2007*, <http://www.michbar.org/programs/atj/pdfs/justiceforall.pdf>.) We feel that the detail in Alternative B regarding the definition of pro bono (these details are currently contained in the State Bar's Voluntary Pro Bono Standard <http://www.michbar.org/programs/atj/voluntarystds.cfm>) will benefit lawyers by providing guidance and support for their pro bono work. This change will also benefit the public, since it will assist in linking lawyers' pro bono work with those clients in greatest need of assistance.


We also support the provisions in the rule that expand the scope of pro bono to include a broader range of services (see Alternative B at proposed MRCP 6.1(b)) while reminding lawyers that a "substantial majority" of pro bono should be services to the poor. We feel this clarification will benefit the profession in two ways—by focusing on the overwhelming needs of the poor for additional legal assistance while formally acknowledging the many other activities that lawyers engage in that support and improve their communities.

We note that the State Bar proposal is based on the ABA model rule 6.1—which has been adopted by just over half the states in the nation. We see the State Bar Proposal as modernizing Michigan's rule and aligning it with national best practices.

We appreciate very much the Court's willingness to consider these changes. We urge the Court to adopt Alternative B—the State Bar's proposed MRPC 6.1.

Respectfully submitted,


Michael Chielens
Co-Chair


Ann Roult
Co-Chair *dyer*